



CHIEF MAGISTRATE ALAN G. DAVIS

This past fiscal year could best be characterized as the foundation of significant change for the Justice of the Peace Court. While we continued to process hundreds of thousands of cases efficiently and justly, we also undertook a number of endeavors and encountered circumstances that will shape this Court for years to come. The results of these efforts and situations will change our physical presence, improve our personal security and that of the public we serve, and force us to re-examine the fundamentals of how the Court is currently structured.

The FY08 budget afforded two opportunities to improve the physical condition of court facilities. In New Castle County the growing caseload of specialty court operations, particularly Truancy Court, led the Justice of the Peace Court to the realization that the facility housing those operations was not meeting the need presented. In addition, it was apparent that the consolidation of civil case processing in northern New Castle County could provide significant efficiencies for that part of our workload. With some additional resources, the Court was able to double its leased space at one of the two existing civil court sites and will be able to convert the space vacated by the other civil court operation into a dedicated specialty court location. Construction at the site of the civil location merger, Court 13, was well underway at the end of the fiscal year, with relocation of the second civil location to take place early in FY09. When completed, the new civil facility will feature five courtrooms, a

self-help center, and improved staff and judge workspace. It will also be responsible for the processing of in excess of 20,000 civil cases each year.

Court 3/17, our combination 24-hour criminal court location and primary civil case processing location in Sussex County, was the site of our other “bricks and mortar” transformation. In January ground was broken on an expansion project that will provide for an additional courtroom, improved judges chambers and clerical areas on both sides of the operation, and enhanced facilities for the public. The improvements will allow for a merger of the civil case processing operations in Sussex County as well.

The second area of significant achievement this past fiscal year was one that was relatively invisible, but which will soon have a profound and very visible effect on the operations of this Court. In October 2007, the Court began to collect court security assessments on each case processed, as authorized by Senate Substitute 1 for Senate Bill 75, passed in June of 2007. Under that new law, assessments collected by the Court may be used in future fiscal years to fund security improvements for the Court. In FY08, the Court collected just over \$1 million in court security assessments and the legislature approved an infusion of nine security related positions and numerous physical security items for our benefit. Over the course of the next few years, it is expected that more positions, equip-

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ment, and training will be funded through this process. Things are truly looking up for a Court that, as recently as last year, was unable to provide security personnel for about 45% of shifts that the court locations were operating.

Finally, the economic climate of the larger world came to visit the insulated operations of this Court. Revenue projections dipped, causing state budget writers to call for budgetary reversions for FY08 and cutting of future baseline budget amounts. This is a trend that has continued past the end of the fiscal year. When an operation such as the Justice of the Peace Court performs a necessary and basic function of government and does so on an already relatively tight budget, it becomes necessary to examine the core processes of the way we go about our business. Since the economic climate does not appear any more rosy in the near future, the Court has begun re-examining its every function. As an entity that operates in over 17 locations across a small state, the most evident way to cut costs and still provide superior service is to continue the move towards consolidation of locations and resources.

No one knows what lies down this economic path; however, the Justice of the Peace Court is, as it always has been, committed to finding the most efficient and expeditious way to do its job. With the foundations of more appropriate and adequate facilities, a more secure public and staff, and the group mindset to meet any challenge, the Court is well positioned to expand on its successes.

LEGAL AUTHORIZATION

The Justice of the Peace Court is authorized by the Constitution of Delaware, Article IV, Section 1.

COURT HISTORY

As early as the 1600's, justices of the peace were commissioned to handle minor civil and criminal cases. Along with a host of other duties, the administering of local government in the 17th and 18th centuries on behalf of the English Crown was a primary duty of the justices of the peace. With the adoption of the State Constitution of 1792, the justices of the peace were

stripped of their general administrative duties, leaving them with minor civil and criminal jurisdiction. During the period from 1792 through 1964, the justices of the peace were compensated entirely by the costs and fees assessed and collected for the performance of their legal duties. In 1966 the individual justices of the peace were absorbed into the state judicial system, and the first chief magistrate was installed in 1980 as the administrative head of the Court.

LEGAL JURISDICTION

The Justice of the Peace Court has jurisdiction over civil cases in which the amount in controversy is not greater than \$15,000 and over summary possession (landlord-tenant) actions. Justices of the peace are authorized to hear certain misdemeanors and most motor vehicle cases (excluding felonies) and may act as committing magistrates for all crimes. Appeals (other than in summary possession cases, which are appeals to a three judge panel in the Justice of the Peace Court) may be taken to the Court of Common Pleas. The subject matter jurisdiction of the Justice of the Peace Court is shared with the Court of Common Pleas, except that the Justice of the Peace Court has sole jurisdiction over summary possession actions. The Justice of the Peace Court also shares jurisdiction over replevin actions with the Superior Court, rather than the Court of Common Pleas.

GEOGRAPHIC ORGANIZATION

The jurisdiction of the Court is statewide and sessions are held throughout the State. Of the 18 courts currently operating, seven are in New Castle County, four are in Kent County, and seven are in Sussex County. The Voluntary Assessment Center, which handles mail-in fines, is located in Dover.

SUPPORT PERSONNEL

A court administrator, two operations managers, an administrative officer, and a fiscal administrative officer help the chief magistrate direct the Justice of the Peace Court on a daily basis. The Court also employs clerks, constables, and other support personnel.

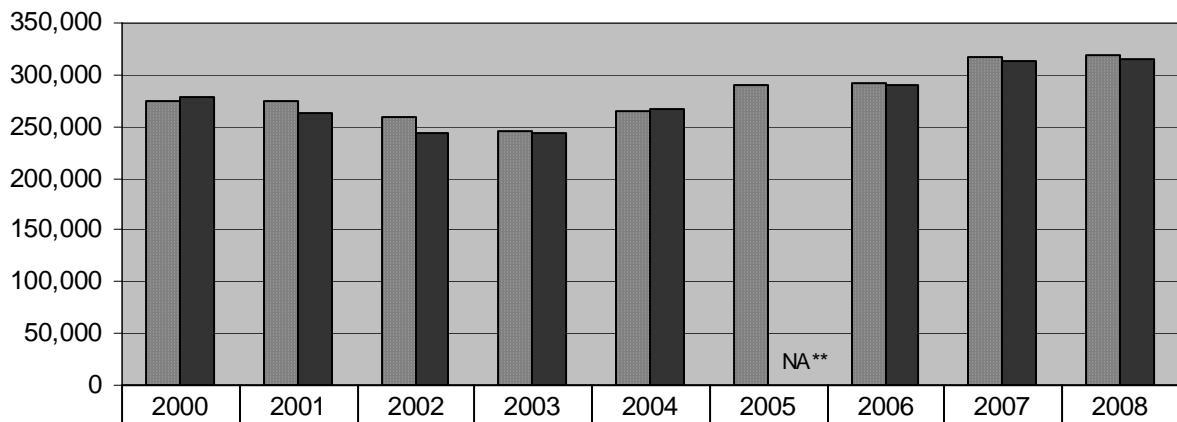
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JUSTICES OF THE PEACE

The Delaware Code authorizes a maximum of 60 justices of the peace. The maximum number of justices of the peace permitted in each county is 29 in New Castle County, 12 in Kent County and 19 in Sussex County. All justices of the peace are nominated by the Governor and confirmed by the Senate. A justice of the peace must be

at least 21 years of age and a resident of the State of Delaware and the county in which the justice of the peace serves. In addition to the 60 justices of the peace, the Governor nominates a chief magistrate, subject to Senate confirmation.

TOTAL CASELOAD TREND IN THE JUSTICE OF THE PEACE COURT
Filings & Dispositions by Defendant*



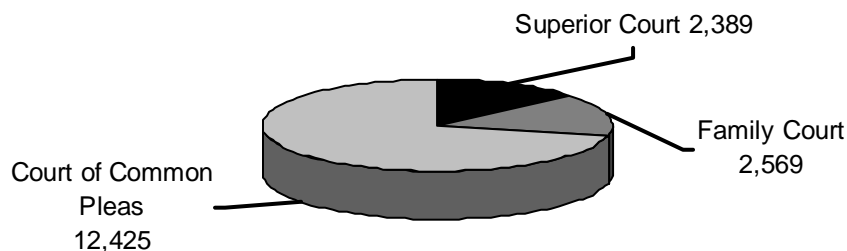
	2000	2001	2002	2003	2004	2005	2006	2007	2008
Total Filings	274,031	275,242	258,727	245,444	265,456	290,095	292,005	317,436	318,293
Total Dispositions	277,628	262,279	243,391	244,349	266,890	0	290,772	313,409	315,663

Fiscal Year

* Caseload information includes civil, criminal and traffic cases by defendant.

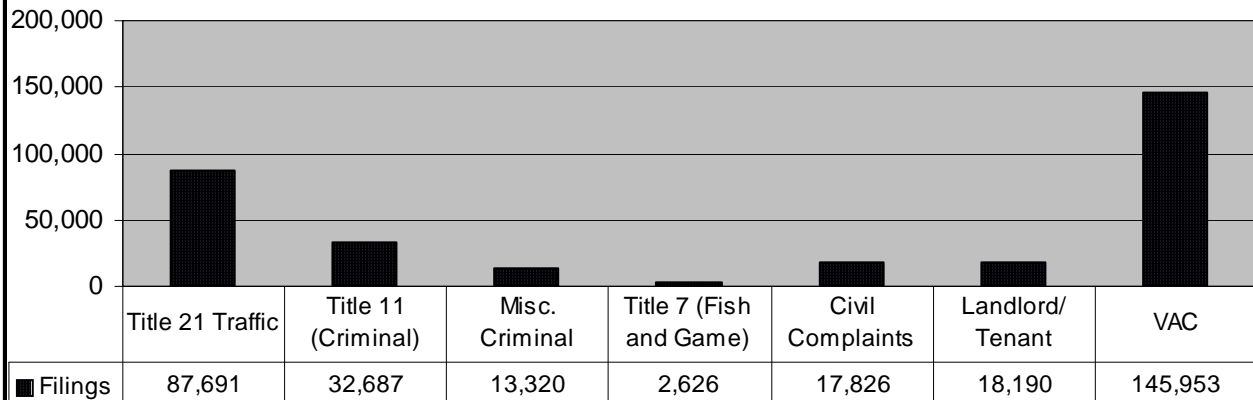
**Disposition information for 2005 is not available.

CAPIASES CLEARED BY THE JUSTICE OF THE PEACE COURT
FOR FY 2008

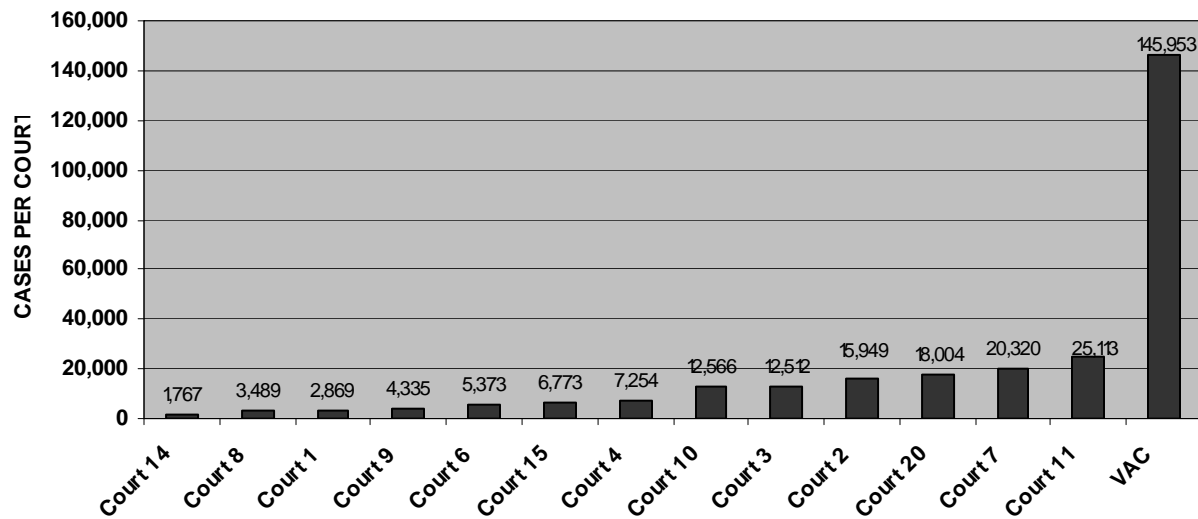


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NUMBER OF JUSTICE OF THE PEACE COURT FILINGS BY TYPE FY 2008

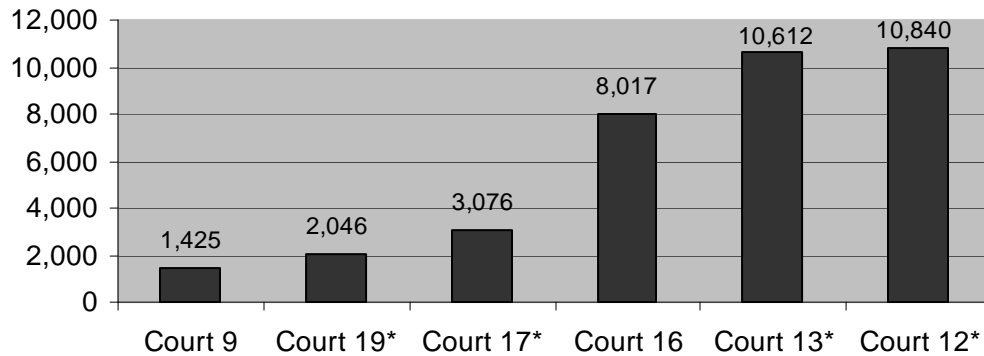


JUSTICE OF THE PEACE COURT TOTAL CRIMINAL AND TRAFFIC FILINGS BY COURT FY 2008*



*Criminal and traffic filings by defendant.

JUSTICE OF THE PEACE COURT TOTAL CASES FILED BY COURT FY 2008



*Statistics and number of locations reflect FY 08 operations. Subsequent to FY 08, Courts 12 and 13 have consolidated operations into the Court 13 site; Courts 17 and 19 have merged operations and are expected to move into the renovated Court 17 site.



Kent County Judges

Sitting: Christian J. Plack, Sr.; Cathleen M. Hutchison; Alan Davis; Ernst Arndt; Douglas P.K. Cox, Sr.

Standing: James A. Murray; William J. Sweet; Robert B. Wall, Jr.; Michael P. Sherlock; Agnes E. Pennella

Not Pictured: Debora Foor; Dwight Dillard; Pamela Darling

JUSTICE OF THE PEACE COURT



New Castle County Judges

Sitting:

Cheryl Stallmann; Kathy S. Gravell; Rosalind Toulson; Alan Davis; Bonita Lee; Kathleen Lucas; Deborah A. McNesby

Standing:

Laurence L. Fitchett; Sean McCormick; Stanley J. Petraschuk; William S. Young, III; James Tull; Marie Page; Thomas Brown; Susan Cline; David R. Skelley; Donald W. Callender; Robert Lopez; Sidney Clark; James Hanby, Sr.; William Moser

Not Pictured:

Thomas Kenney; Marilyn Letts; Nancy Roberts; Katharine Ross; Rosalie Rutkowski; Paul J. Smith; Terry Smith; Vernon Taylor

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Sussex County Judges

Sitting: William J. Hopkins; Sheila G. Blakely; Alan Davis; Jana E. Mollohan; Jeni L. Coffelt

Standing: Richard D. Comly; John R. Hudson; H. William Mulvaney, III; James G. Horn; Herman Hagan; Edward G. Davis; John C. Martin; Stephanie Adams; Christopher A. Bradley; John D. McKenzie; William L. Boddy, III; Larry R. Sipple

Not Pictured: Marcealeate S. Ruffin; William P. Wood; William Pritchett